

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL ANTHONY SPRINGER, :

Plaintiff : CIVIL ACTION NO. 3:15-0935

**v. : (MANNION, D.J.)
(SAPORITO, M.J.)**

**CAROLYN W. COLVIN,
Commissioner of Social Security, :**

Defendant : :

MEMORANDUM

Pending before the court is the report and recommendation of Magistrate Judge Joseph F. Saporito, Jr., (Doc. [14](#)), which recommends that the decision of the Commissioner of Social Security (“Commissioner”) denying the plaintiff’s claims for supplemental security income under Title XVI of the Social Security Act be vacated and the action be remanded for a new administrative hearing. The defendant has waived her opportunity to object to Judge Saporito’s report and recommendation, (Doc. [15](#)), and no objections have been made by the plaintiff. Based on the foregoing, Judge Saporito’s report is **ADOPTED IN ITS ENTIRETY** and the decision of the Commissioner is **VACATED** and **REMANDED** for a new administrative hearing.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” [Fed. R. Civ. P. 72\(b\)](#), advisory committee notes; see also [Univac Dental Co. v. Dentsply](#)

Int'l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010). District judges should give some “level of review to dispositive legal issues raised by the report.” Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.3.

The court has reviewed each of the recommended bases presented by Judge Saporito for vacating and remanding the case under Title XVI. Because the court agrees with the sound reasoning that led Judge Saporito to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: October 31, 2016

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